

# **EXHIBIT B**

**(letters from friends & colleagues)**

Bradley J Witteman



July 19, 2021

Re: Mike Kail

To the Honorable Beth Labson Freeman:

I write to you on behalf of Mike Kail, who I met through work, and who over the years has become a friend and trusted sounding board. We met in early 2006 when I founded a company that needed expertise in specific types of computer routing, and he was introduced as a possible candidate for the position by another employee. Over the course of the interview process I quickly gathered that not only was Mike an expert at this esoteric skill, but he was the type who freely volunteered opinions on possible improvements, safety considerations, and how to “build a better mousetrap.” We worked together at that job for about 2 ½ years during which time he frequently demonstrated a level of hard work and dedication that is unusual - spending late night hours to deliver when he said he would. He once reworked a piece of code for free because he thought of a better way of accomplishing the same task and claimed it “should have been obvious the first time.”

When we were not working together, we remained in contact, discussing technology and technology company events. Through many conversations and our shared working experience, I feel that he has a good moral compass and a high level of personal accountability.

My parents are part of the “Greatest Generation”, dad born in 1924, mom 1935. I recently got to spend time with them for their 65th wedding anniversary and got to watch yet again how dedicated they are to each other. Over this time Mike has demonstrated a similar dedication to his wife and two kids, and has shown a nurturing spirit and high level of community involvement.

He is generous, on numerous occasions volunteering his time to think through issues and design considerations for other people’s projects. He has demonstrated a willingness to give of himself to help others, and to make introductions to help further someone else’s goal, without expectation of reward.

I surround myself with people who build me up, with whom I share many commonalities, people who I would feel comfortable dropping my kids off at their house in an emergency. Mike is one of those people.

If you have any questions regarding my assessment of Mike’s character, please feel free to contact me.

Sincerely,



Bradley J Witteman

Julia Jayne

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**From:** Alex Gorbansky <[REDACTED]>  
**Sent:** Tuesday, August 03, 2021 9:01 AM  
**To:** Julia Jayne  
**Subject:** Letter of Support for Mike Kail

To: The Honorable Beth Labson Freeman  
From: Alex Gorbansky, CEO AEAE Group Inc

Dear Honorable Beth Labson Freeman,

I am writing a letter of support for Mike Kail to request your leniency and clemency in sentencing. I have known Mike as both a business associate and friend since 2013.

As an advisor to Docurated, Mike was instrumental in our company's growth and success, making customer, investor introductions. Without Mike, we would not have landed our first investors or gotten some of our biggest customers. He was always the first person to respond or call and offer help in good times and in bad. In return, Mike never asked for anything. We offered him equity because of the incredible value he brought to our team and organization not because of any requests he made. Mike had a stellar reputation as one of the best technologists and advisors in Silicon Valley.

I can only speak from my own personal experience so cannot comment on the other parts of the case. I also do think that the technology industry is highly dynamic, filled with change and there are many situations where conflicts and new issues that require governance will arise.

I do not wish to dispute the gravity or legality of what Mike did, I merely wish to say that within the context of what is happening in the technology industry, and the price that Mike has already paid in terms of the civil case and the loss of reputation, I hope you will use clemency in the sentencing.

Thank you in advance for your consideration.

Kind regards,  
Alex Gorbansky

July 22, 2021

The Honorable Beth Labson Freeman  
United States Judge  
District of Northern California

Dear Judge Freeman,

I am writing on behalf of Michael Kail, who I have known since 2018. I have known and been friendly with Mr. Kail for over three years.

In that time, I have known Michael to be a devoted father to his children, involved in all aspects of their lives, taking them to sports practices and events and helping them as they navigate life.

I have also interacted in a business capacity with Michael and have only seen him act ethically in any and all interactions I have had with him. Since he was in a position to ask for compensation as a result of recommending our public relations firm for businesses with whom he was involved, and did not, I can say he has upheld high moral standards.

In addition, Michael has gone out of his way to help me when there was no financial gain to be gleaned from our interactions. I can say that I consider him a real friend.

I would also like to add that I am hopeful that his children will have a father to help guide them in their young lives.

Best regards,

Hugh Burnham  
Los Gatos, CA

Carl Malamud

Healdsburg, CA  
95448

July 13, 2021

Honorable Beth Labson Freeman  
U.S. District Court for Northern District of California  
San Jose Courthouse, Courtroom 3 – 5th Floor  
280 South 1st Street  
San Jose, CA 95113

Dear Judge Freeman:

I write to you in the matter of United States v. Kail, Case No. 18-cr-00172-BLF-1. I have worked with Mike D. Kail since the mid-1990s. In 2007, when I founded Public.Resource.Org, Inc. (Public Resource), a 501(c)(3) nonprofit which I head, Mike was our first contractor, assisting me in advanced systems administration work on our computer servers.

Public Resource is an organization that has made a large number of primary legal texts available on the Internet for the first time. We were responsible for posting the full set of opinions for the U.S. Court of Appeals, dating all the way back to the creation of the courts and back to the Federal Cases. We assisted the Obama Administration in the modernizing of the Federal Register and the U.S. Congress in posting 14,000 hours of video from congressional hearings. We have scanned all 3.5 million pages of the briefs submitted to the United States Court of Appeals for the Ninth Circuit from 1892 to 1968 and worked with the U.S. National Archives to post 6,000 government videos on YouTube. We did a privacy audit of 12 years of the Form 990 released by the Internal Revenue Service, an effort that resulted in changes to the Internal Revenue Code to better protect privacy, and our successful litigation against the IRS in the Northern District of California resulted in the release of millions of electronic versions of the returns of nonprofit organizations.

The work we do involves converting and posting millions of files, and running very visible, high-traffic Internet sites. Mike is by far one of the best people I've met at doing this kind of work, and it is a very rare talent. I've entrusted him with procurement of all of our computers, which is a large expense for a small non-profit such as Public Resource. He has the administrative passwords to all our computers, including my personal accounts and my personal email. He is responsible for computer security on all of our computers, including high-traffic servers that are visible on the Internet, the computers in my house and office, and computers we have on-site in locations ranging from servers we maintain at two Indian universities and the Indian Academy of Science to ones on-site with groups we collaborate with here in the U.S.

Mike has always been honest and hardworking and I've trusted him with our most important assets. I have never had any reason to doubt him, he has always done right by us. When our small non-profit was short on funds, he worked for free. Even when we pay him, it is frankly more an honorarium than what one would normally pay for his level of expertise and knowledge. We currently pay him \$1,000 per month, for which he does what needs to be done. He has never once asked me for more money, and when he buys computers for us, we always get very reasonable prices (and I have checked the market rate on items we buy, as I'm responsible for our finances).

Over the years I've worked with Mike, we have become friends. Even when he has been involved in stress of a new Internet startup or his work in large Silicon Valley organizations, he has always found time to help me out. I've seen him marry and have seen his kids start to grow up. He's a good and honest person and I hope you will take these factors into account as you consider his case, and as you consider the effect of a sentence on Mike and on his wife and the boys. And, from a purely selfish point of view, I have to say, I dearly hope Mike will be able to continue the indispensable work he performs to help my organization carry out our public mission. We would be lost without his help.

Respectfully yours,

DocuSigned by:

*Carl Malamud*

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Carl Malamud, President  
Public.Resource.Org, Inc.

13 July 2021

To The Honorable Beth Labson Freeman,

It is my privilege to write a character reference for Mike Kail.

In 2014, I was an Account Executive at Oracle assigned to Yahoo where Mike Kail was the Chief Information Officer. Mike was the ultimate decision maker for the products I was responsible for selling to Yahoo. It was my responsibility to build a trusted relationship with Mike Kail and educate him on Oracle's offerings. It was common practice to invite VIP clients, such as Mike, to private events at Larry Ellison's estate in Porcupine Creek, Ca. as well as other exclusive events like private dinners and sports events. Over the course of one year, Mike met with various Oracle executives including then CEO, Mark Hurd, and President, Thomas Kurian.

Our relationship evolved beyond work, and we became friends. Mike went out of his way to help me further my career by providing career guidance when I needed it most. I looked to Mike as an advisor both professionally and personally. Professionally, Mike helped guide my career to what it is today. Personally, I look to Mike as a mentor and advisor. He has never turned down an opportunity to help me during course of our friendship.

It is very rare for a c-level executive like Mike to befriend a salesperson. Yet, Mike welcomed me into his home and life and treated me as his peer. He has been generous with his time and has never turned down an opportunity to provide me with personal or professional advice. During last the 7+ years of our relationship, Mike has been a true friend and trusted advisor in my life.

Cordially,  
Joon Lee

**Julia Jayne**

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**From:** Mark Thiele <[REDACTED]>  
**Sent:** Tuesday, July 13, 2021 2:26 PM  
**To:** Julia Jayne  
**Subject:** Letter of Support for Mike D. Kail

To: The Honorable Beth Labson Freeman,

I've known Mike D. Kail as an industry colleague and friend for over a decade now. During that decade, I've not seen one action or behavior that would cause me to lose respect for Mike or question his ethics.

Mike has always been honest with me and with anyone else whom I've heard or seen him interact with. One of the reasons I became friends with Mike was because I had witnessed him on so many occasions provide honest feedback to colleagues and industry folks whom he was helping.

His example set a foundation for the building of our relationship. It's harder to develop deep friendships once you're beyond school age and with Mike our friendship developed quickly and has stayed strong. I even admire Mike for the time and effort he puts into his family. I've not met anyone who is prouder of his family or more involved in their growth, health and success than Mike. Even as a casual observer you can see via his Instagram posts how much time he spends helping his kids with sports and school, as well as supporting the work and activities of his wife.


Silicon Valley has a habit of recognizing those who sacrifice everything for their work and it could be said that I've fallen victim to this hero worship. At a minimum many of us in this field are incredibly driven and pushed to explore ever greater contributions and innovations for our companies. This contribution expectation isn't meant to define right or wrong in the workplace, but rather to establish the fact that even with this pressure to constantly contribute, Mike always found time to mentor those around him and even outside the companies he worked for. I think one of the things that drew me to Mike in the first place was the selfless nature of his contribution to the industry by helping those around him be more successful.

Speaking specifically for me, Mike has always been available as a voice of reason and advice in the development of my career. I believe his advice has had a direct impact on my career success and even on the founding of my own business. If not for the advice and inspiration from Mike, I might not have had the courage to found my own business.

I appreciate your consideration.

Respectfully and sincerely,  
Mark Thiele  
CEO & Co-Founder Edgevana  
[REDACTED]  
Las Vegas NV 89141

06 August 2021

  
San Francisco, CA 94127

The Honorable Beth Labson Freeman  
San Jose Courthouse, Courtroom 3 – 5th Floor  
280 South 1st Street, San Jose, CA 95113

Subject: Letter of Support for Michael D. Kail

Dear Judge Freeman:

I have known Mike Kail for 24 years and respectfully submit a letter of support for your consideration.

Mike is a close friend whom I have been blessed over the years to share a wide range of life experiences, both large and small. I believe these decades of accumulated experiences provides me with a unique and grounded perspective about Mike's character and moral compass. Based on my personal experiences, I can say with confidence that the Mike Kail I know very well doesn't fit the narrative provided by the prosecutor that was reported from the trial.

In our earlier days we were both runner enthusiasts that shared many miles together training for races and marathons. Mike was a far more talented and disciplined runner than I was, but his work ethic and dedication both encouraged and inspired me to make myself better. During these training runs we developed a close friendship that went far beyond pushing each other in our training.

Mike his an intelligent, hard-working, no-nonsense professional who has thrived in the demanding start-up environment and succeeded in developing himself into a senior executive that has led large organizations. He has accomplished this by pushing himself out of his natural comfort zone because of his desire to improve himself and make a difference. He's also developed his skills and knowledge to become a respected thought leader in his field. This could only be achieved through a constant effort in educating himself and staying on top of the fast-changing developments in his area of the tech industry. Through this journey he has mentored many individuals and help advanced the discussion of important topics such as cybersecurity.

While his career has been an area of tremendous effort and passion, Mike is also a dedicated husband and father. I met his wife Reagan early in their relationship, attended their wedding and have watched them raise their two sons. Despite the demands work has brought, his primary focus has always been his

family. He is a committed and engaged father, active in his children's daily lives and their development. This attention to family is part of who he is, it comes from deep roots in his Mid-West upbringing. Mike is a loyal son and looks after his parents, frequently returning back to Iowa to attend family reunions and provides for his mother-in-law.

Mike has always had time for me when I needed a friend and has been a source of guidance and support. I have come to appreciate Mike's passionate views and enjoy engaging with him in discussions on many topics. His opinions are intelligent and well thought through that shows that he is a man of principle, with an innate sense of right and wrong. The last couple years has been very stressful but he somehow has remained hopeful and strong. He's a good person and has so much more that he wants to contribute.

Thank you for the opportunity to share my feedback to you for your consideration, I hope it has been helpful. Please feel free to contact me if you have any questions.

Sincerely

A handwritten signature in blue ink, appearing to read 'Gregory King'.

Gregory King

(415) [REDACTED]

July 20, 2021

Dear Honorable Beth Labson Freeman,

I am Ernesto DiGiambattista and I have had the opportunity in working with Mr. Kail and personally knowing him and his family and willing fully call him my friend.

I have had the pleasure of knowing Mr. Kail for over the last six years. During this time, I have had the opportunity to witness Mr. Kail act with integrity, honestly and respect.

To be more specific, during our time together working at Cybric, Mr. Kail would negotiate vendor contracts, which he would sit side by side with me and provide me all the relevant information and details to all agreements. Further, he would continuously look out for the best interest of the company and the investors. His level of integrity earned the respect from our new investors, which allowed me the honor to request Mr. Kail be an initial board member to the company.

On a personal note, as our work relationship evolved over the early months and I would travel to the west coast periodically, which during one of my visits Mr. Kail would ask me to stay with him and his family at their home. I was extremely impressed with this gesture, as for on face value this would save the company money by not renting a hotel room but more importantly this gave me an opportunity to learn about Mike Kail and how he acted around his wife Raegan and his two children Ethan and Dylan.

As a husband, I witnessed how much respect he had for his wife Raegan. He would always listen closely to what she had to say and offer to help with tasks around the home. In addition, with his kids Ethan and Dylan, it is very clear to me that they are his pride and joy! Every night that I was visiting, we would all eat together at dinner. Mike would ask a round of questions to each of the boys to see how their day was going and what was the best part of their day.

In conclusion, I have witnessed Mike act with integrity in the workplace multiple times and more importantly, I have seen what family means to Mike Kail. As I reflect on the most important things to a person's life, it all begins with family. Ever since I have known Mike, Raegan, Ethan, and Dylan are the most important aspects of his life.

Sincerely

A handwritten signature in black ink, appearing to be 'ED', with a long horizontal line extending to the right.

Ernesto DiGiambattista

[REDACTED]  
Kamuela, HI 96743

To: The Honorable Beth Labson Freeman

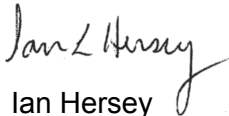
I'm writing this in support of Mike, whom I've known well in several capacities since 1992. Mike was a very talented distance runner, and we met originally via an online group of passionate runners. I got to know him in person, both through training runs and the occasional race, but also as he progressed through both his IT career and his personal life. I witnessed as he coped with the death of his first wife Loreen (lost to MS) and as he found love again.

I also hired him as part of my senior staff at Attensity. Mike commuted from his then-home in San Diego, both to our HQ in Palo Alto and to our satellite locations in various parts of Germany. What had impressed me about Mike was his strong work ethic and his near-constant availability — if you sent him email or text messages at any time of day, you would usually get a response within a minute or two. This wasn't just my experience as his boss, it was everyone's in the entire company. He never seemed to sleep, and he had a deep commitment to serving his customer base.

Similarly deep has been his commitment to his family: his wife, Raegan, and his two boys, Ethan and Dylan, as well as his parents and brother back in Iowa. He came from modest roots in a farming community, which fostered in him his strong work ethic and commitment to family, and that grounding has remained a central part of his character, even as he achieved increasingly high-profile jobs in the tech sector. In my own experience, Mike has always made time to help a friend, even long after we had worked together.

I have no first-hand knowledge about this case; all I can say is that I know Mike to be a good, hard-working and charitable person, and I hope that the sum total of who he is gets taken into account.

Sincerely,

  
Ian Hersey

[REDACTED]

Date: July 16, 2021

To: The Honorable Beth Labson Freeman

From: Mark J. Sarno, eJD  
Chief Executive Officer, Vision Clinical Research, LLC  
[REDACTED]

Dear Judge Freeman,

I write to you today as a character witness in support of Michael Kail, “Mike” as I know him. I wish to tell you of the man you didn’t hear much about during the trial, the man of impeccable work ethic, the loving husband and father, a man of great inspiration in the San Diego running community, and my best friend and training partner from 2001-2011.

Before I begin, let me introduce myself. I am a scientist and executive of 38 years in the medical device and pharmaceutical industry. In this field, I have developed 50 products approved by the US Food and Drug Administration (FDA), a process that requires strict adherence to rules and regulations and the highest bioethics. I also hold a doctorate of law, am admitted to practice before the United States Patent and Trademark Office (USPTO), and am a Member in good standing of the California Lawyers Association. Given my work with the FDA and the USPTO, I must associate with ethical men and women and act only in the best ethical practices, or face debarment from the FDA or disbarment from the USPTO. I begin here by unequivocally stating that my time with Mike caused no concerns in this regard. In fact, every facet of Mike’s personality on display over those 10 years inspired me to become a better human being. In the following short paragraphs, I would like to provide some specificity to that statement.

I first met Mike in the running community. At that time, Mike already was legendary for his training weeks of far greater than 100 miles per week at paces per mile that few runners could sustain. He was also known as an Information Technology independent professional who routinely worked all-nighters to support his clients, often sacrificing his personal interests to respond to urgent situations. At the time, I had returned to running after a 12-year retirement from competitive racing. Though he didn’t know me, Mike invited me to run with him as often as I wanted. We quickly became friends, training partners, and something akin to brothers. We endured brutally long runs in difficult conditions, intense speed work, and exhausting race efforts. Throughout this period, Mike encouraged me to seek my highest self in running, knowing that such pursuits may translate to all aspects of life. Of importance, I was not a special case in this regard. A very large group of elite and sub-elite distance runners and professional triathletes ran with Mike on a frequent basis, all of them seeking his counsel in training, his inspiring words and workout efforts, and his leadership.

During our easier runs, we discussed many aspects of life, and covered many ethical concepts. One of note was the use of performance-enhancing drugs (PEDs) in athletics. Frankly speaking, we were aware that a significant number of competitive runners used such PEDs, likely some who beat us in races and took home the prize money. But, despite the temptation to adopt such practices and gain a few seconds or minutes advantage in races, Mike condemned PED use. He

preferred fair play and a clear conscience over winning. Contrary to some of the assertions at trial, *Mike is not a man of temptations or shortcuts*. Rather, Mike is the type who meets every challenge head-on and succeeds despite harsh countervailing forces through hard work and perseverance.

I wish to also state that *Mike is not a mercenary*. His unix-mercenary “handle” represents a humorous anti-persona, which the prosecution may have misinterpreted. As an example, Mike coached me for several years, spending a great amount of personal time in the effort, and yet asked for nothing in the process. No *quid pro quo* existed. He helped me as a friend. Please understand that elite coaches can derive excellent income and, in fact, some of our training partners went on to become such coaches.

From 2005-2008 I attended law school, while working full-time, and while training. Throughout this effort, Mike encouraged me to stick with it. I graduated with honors in 2008 and simultaneously competed in two US Masters National Championships. I owe much of the success in those endeavors to the unwavering emotional support and coaching I received from Mike.

My close relationship with Mike only came to an end because he met a woman of profound love and support with whom he chose to marry and have children. I watched from a distance as Mike turned the energies he had previously devoted to running in the direction of providing for his wife and family. He did so with all the love a human being can manifest and express. There can be no question of his benevolent intentions in this regard.

Turning to the specifics of the instant case, I can only imagine that Mike had no intention to violate the cited statutes. Rather, I believe that he did not recognize that his actions were unacceptable in the IT community and contrary to law. As you may know, while many industries are highly regulated, there has been little regulation of the IT community to date. Also, as the defense counsel asserted, board positions and associated compensation are quite common for executives such as Mike. Furthermore, based upon the great personal sacrifices Mike routinely made for his prior IT clients, I do not believe that Mike intended to harm Netflix in any way. In fact, during his tenure there, Mike often stated his great admiration for the company and his pride and delight in working with Reed Hastings. If intent to harm is an element of the fraud charges against Mike, I do not believe the element was met. To support this assertion, I can state that Mike often spoke enthusiastically about new technologies that might benefit his clients. Of course we know that not all technologies displaying early promise ultimately succeed in practice. I suspect that Mike’s only intent at Netflix was to evaluate these promising technologies in the best interests of the company, even knowing that some might not prove worthwhile in the long-run.

Having listened to much of the trial testimony, I am aware of the prosecution arguments, the findings of fact, and the conviction on 28 of the 29 counts of wire fraud, mail fraud, and money laundering. It is not my place to contest the triers of fact. I can only say that the jury did not have my perspective. But, I hope this short letter provides some of that perspective to you. Mike is a profoundly hard-working human being who contributed to society through his work in

technology, through his work in the running community, through his devotion and support of friends, and love of family.

The question of sentencing now rests in your hands. I can only ask you to take into account the man I have described and to find a way to craft a punishment that provides restitution to Netflix, that satisfies the statutes and provides an equitable precedent for this relatively new class of white-collar offenses, but that does not remove this good man from his family and from his community for an extraordinary length of time. The community, his wife, and his two sons can only suffer from such removal. In particular, I worry about his children. His absence will no doubt negatively affect their development. Further, I wonder at the cost/benefit ratio regarding the known costs of incarceration versus a public that was largely unharmed by his acts. Thus, incarceration will serve little societal purpose and will punish his family more than him. Perhaps he could devote his considerable energies and talents to community service as an alternative.

Thank you so much for your attention to this letter and I am at your disposal should you need more information.

Sincerely,

A handwritten signature in cursive script, reading "Mark J. Sarno".

Mark J. Sarno, eJD

[REDACTED]

Escondido, CA 92029

[REDACTED]

Robert Reid

July 16, 2021

Re: Mike Kail

To the Honorable Beth Labson Freeman:

I am writing on behalf of Mike Kail, a colleague and friend of mine for the past 13 years. Over course of our relationship, I've personally experienced numerous instances of Mike's moral compass, honesty, hard work and dedication. For example, when I first asked Mike to fix networking issues in my company, he was diligent and efficient; upon billing me, I asked him why he didn't bill more hours, and he replied "that's all the time it took.....my reputation is too valuable to try and bilk you out of a few extra hours."

Later in our relationship, when I asked for him to join my board of advisors, he replied with "let's see if I can add value first. I'll make some intros to people in BlueJean, Level 3, and others. If I end up adding value, we can have a longer conversation about if/how I can help." For context, Mike could have asked for percentages of my company just for his name & reputation, but he demonstrated his good moral compass. Additionally, I've witnessed numerous exchanges when Mike offered to help get a recent graduate into a company for an interview ("paying it forward" is what he called it), and connect people without any benefit to himself.

On a personal level, I've seen Mike's steadfastness to his wife & children, and active involvement in his community. He and his wife Regan have a welcoming home, with friends, neighbors, kids all coming & going – with lots of respect and love from those around them.

Should you have any questions regarding my assessment of Mike's character, please feel free to reach out.

Sincerely,



Bob Reid

August 16, 2021

The Honorable Beth Labson Freeman;

I am writing this letter in support of my friend and longtime cyber security colleague Mr. Michael D. Kail. I understand Mr. Kail's legal situation and that he is awaiting a sentencing decision from you and your Court in September 2021.

My name is Steve MacLellan and I live in Lincoln, Massachusetts. I am a cyber security expert with over 30 years of experience and longtime defender of major companies against criminal hackers, organized crime activities, and nation state attacks. These companies include Fidelity Investments and SAP America. I come from a family with deep commitment to service to the United States, including law enforcement (police, FBI), US intelligence agencies (OSS, CIA), military service (Army, Navy), and legal advocacy (lawyers, judge). I have a deep respect for the rule of law and a commitment to justice for all.

I worked with Mr. Kail for several years at Zero North (formerly known as Cybric) since 2014. Mr. Kail was a tireless advocate of companies "doing the right thing" in terms of establishing effective software and cyber security practices to defend their business and customers against the relentless onslaught of cyber security attacks. What made Mr. Kail unique was his passionate public speaking on this topic, including sharing personal stories and his expertise in successfully defending companies from dangerous cyber attacks.

Mr. Kail's work in "DevSecOps", the emerging practice of secure software development practices, was instrumental in establishing this area of critical technical practice. In fact, the White House directed, through an Executive Order issued in May 2021, the US Federal Government to develop a standard set of secure software practices to protect our country from criminal and foreign state actors. I believe that Mr. Kail's efforts contributed directly to the acute awareness of the need for these software engineering practices and will eventually lead to a safer United States as a result of his work.

Mr. Kail inspired me personally to work harder to protect our country and businesses from cyber attacks. I know Mr. Kail to be a strong family man, a wonderful father to his two sons "D" and "E", and a good and thoughtful husband to his wife Raegan. I have personally observed him working very hard to develop technical methods to thwart criminals and make our country safer for everyone. My hope is that Mr. Kail will continue to advocate for doing the right thing in cyber security and help protect our country through his hard work.

Sincerely yours,

Stephen J. MacLellan

A large black rectangular redaction box covering the signature area.

August 15, 2021

Honorable Beth Labson Freeman  
U.S. District Court for Northern District of California  
San Jose Courthouse, Courtroom 3 – 5th Floor  
280 South 1st Street  
San Jose, CA 95113

Ref: The United States v. Kail, Case No. 18-cr-00172-BLF-1

Dear Judge Freeman,

I'm writing in support of Mike Kail, whom I have known for 10 years in the capacity of a business colleague and friend. Mike is a man of strong character, an excellent business person, a loving husband and father, who has behaved ethically and responsibly in all of our interactions together. In all of our years, Mike Kail has helped me and my business significantly, and never asked for anything in return.

As context, I am Managing Director of K2 Access Fund, Managing Director of Hausman Ventures, and was a seed investor and an advisor to Snowflake Computing – which recently had the largest tech IPO in the world. I have been in venture and the technology ecosystem for over 20 years. I was mentored by Gene Kleiner – one of the founders of the field of venture capital. I was at Stanford and UCLA, was Chair of Nasdaq's Presidents Advisory Board, and served as a board member and interim CEO of a virtual reality device company (analogous to Facebook Oculus). Mike also served on the board of this VR company. In addition to investing, our funds also host value-added networking events. At these events, we bring together technologists, architects, CXOs, and thought leaders to address critical technology issues and to meet emerging companies with differentiated technologies.

Let me be specific about my interactions with Mike.

There is a reason that Mike has been one of the most sought-after technology executives in Silicon Valley. He has keen, insightful mind, and is endlessly helpful to others.

In all my time in venture, I've never dealt with anyone who has a better understanding of the IT ecosystem than Mike Kail. In fact, Mike's valuable insights have helped us make better investment decisions. He can sort through the technology of a variety of companies and find that "best in class" company that is most likely succeed. This ability is a very rare and critical skill, since there are more companies that are being funded than ever before, and it is often hard to tell them apart from the outside. In addition to perspective, Mike has also helped due diligence on companies in which we were thinking of investing. His feedback has been extremely helpful about how to engage with specific companies and with whom to engage. And, he has never asked for anything from us in return for all his help.

Mike is the most responsive business professional in the Valley. And, he gives of himself generously. If I or my colleagues' email or text him, he usually responds within five minutes – on issues big or small. This has occurred countless times. Whenever we needed advice regarding a prospective investee or subject matter expertise regarding a new or emerging technology – Mike has been ready to help and replies almost immediately. He did this even when he was a VP at Netflix and a CIO at Yahoo. This type of openness and collaboration is highly unusual in Silicon Valley, where people who assume more powerful positions often become less and less accessible. However, when we needed help with finding value-added participants at multiple networking events, Mike would reach out to his considerable network and help us find the best people to discuss the critical issues as active participants. He has also mentored and provided perspective to one of my junior colleagues, who recently out of college and moving into the tech/venture space.

Mike knows how to help build companies. Before Snowflake Computing was funded, Mike shared his key insights about the industry sector and the unique advantages of the technology – which lead to the formation and funding of the company. Even though Mike was still very busy at Netflix, he agreed to speak at a bar event that we had hosted for Snowflake, and to serve as a domain expert about the future of analytics to a group of potential investors. In my experience, Mike's willingness to share his insights comes out of a love for the technology and his love of sharing and discussing ideas. He has a frank, open, honest style of communication, and has always been forthright with us.

Several years ago, when we hosted our first Tech Day event on the east coast, we lost our moderator. We needed someone neutral to moderate, engage the crowd, and move the event smoothly through the afternoon and evening. Although he had come as a participant, Mike volunteered to emcee the entire Tech Day event. Last year, when we were bringing our Tech Day event to a virtual format, we went to Mike for advice on making the technology work. He immediately introduced us to three people who could help think through the event, and he helped us evaluate the technology platforms that we were considering. Mike even spent several hours with us, just being a guinea pig to help us test out the Zoom technology. Once again, he gave us his time asking nothing in return. This is just how Mike works.

Mike is willing to mentor and share his knowledge. For instance, he mentored and provided guidance to a technology architect at a major financial institution on how to start his own company around a new idea that solved a critical financial solutions problem. Again, he went out of his way to be available and helpful. Over the years, Mike has made hundreds of introductions to people who have been helpful to me and my business. Never once, has Mike asked me or my immediate colleagues for a single thing in return.


On a personal level, when my daughter was looking for a job in tech, Mike went out of his way to mentor her and to point her in the right direction, and then to make helpful introductions through his extensive network to help her gain perspective and discuss potential opportunities. While she found her job through another source, she remains grateful for his help and perspective.

I have seen Mike with his family, as he spends time with his sons, his wife. Mike takes great pride in his family, posts about them regularly on Facebook, spends time with them, and clearly loves them. I have seen how loving Mike is with his wife, how well he takes care of her, and how much fun they have together. Mike has consistently been a warm family man, and is deeply loved by his family. It is clear to me that there is no higher priority than his family.

I hope that you will consider Mike being a wonderful father and husband and his long history of integrity, collaboration, kindness and personal/professional generosity as his case moves towards closure.

Sincerely,

Ken Hausman  
Managing Director  
K2 Access Fund  
Hausman Ventures



August 15, 2021

Honorable Beth Labson Freeman  
U.S. District Court for Northern District of California  
San Jose Courthouse, Courtroom 3 – 5th Floor  
280 South 1st Street  
San Jose, CA 95113

Ref: The United States v. Kail, Case No. 18-cr-00172-BLF-1

Dear Judge Freeman,

I am a Clinical Professor of Medicine at Stanford University School of Medicine, and have known Mike Kail as a friend and mentor for almost 10 years. At the time we met, I was a professor and physician at the University of California, Davis School of Medicine. On the weekends, I would spend time in San Francisco and the peninsula. We met through friends, and immediately got along. We were both from the Midwest – while he grew up in Iowa, and I’m from Chicago, I did my internal medicine residency at the University of Iowa Hospitals and Clinics. I appreciated his journey from a small farming town in the Midwest, his commitment to education, his commitment to excellence, and his focus on his family and his friends. His wife’s family is from Sacramento, and while initially somewhat shy, she was kind and welcoming of me into their community as well.

Even when he was helping to run large enterprise companies (Netflix and then Yahoo), Mike made time and room for his friends, all the time. I am a physician and medical educator, and at the time, had very little business experience. I had tried to start two health tech companies to address critical gaps in chronic disease management. I needed advice and input on how to proceed around web development, and around technology infrastructure. I asked Mike for help several times. Each time, he responded within minutes to an hour, set up a time to talk, and then introduced me to the people who could help me solve my problem. When Mike would set up an introduction, the people he reached out to would always respond positively. And, when I met these people, we would talk about Mike. Usually, the conversation would start out with, “Yeah, Mike’s such a great guy. He helped me with....” and the person would discuss the thorny problem or issue that Mike had helped to solve. They spoke about his commitment to people, and how he really cared. This paralleled my experience of Mike as well. He has helped me think through technology issues, has provided perspective. His mentorship has been invaluable.

Mike has also been there, as a friend. While I have done things socially with his family, I know that I can count on him. For instance, Mike is committed to fitness, and rides his Pelaton all the time, and tracks on the leaderboard. I decided to follow his example, and got a Pelaton, but had not rode with clips before. When my shoe was stuck in the pedal, I called Mike for advice – I couldn’t move. He walked me through what to do to get out of the bike, and then searched the web for different types of shoes/clips that I could use more easily. And, directed me to the websites which helped me adjust the clips. Then, followed up with me about the pedals and my riding. Most people would not take the trouble to do a web search on something simple for friend when they are busy with their family and their career, but Mike does this sort of thing for people all the time. He is simply generous and open.

Mike is also a family man. He spends so much time with his sons, playing with them, teasing them, and shares their successes with his friends. He is an amazing husband, and never stops bragging that he has “the best wife” a man could hope for, and that he definitely “married up.” Reagan is a strong, smart, fit, amazing woman, and together, they are a wonderful couple.

I have been taking care of patients for over 20 years, and have been teaching students for that long as well. I would like to think that I’m a fairly good judge of character. Everything that I’ve seen of Mike Kail has been exemplary. He is smart, open, kind, thoughtful and good humored. In my experience, he is straightforward, says what he means, has excellent follow-through, and is a warm person. It has been my privilege to be his friend, and I’m grateful for his friendship and mentorship. Please feel free to contact me with any questions.

Sincerely,

Malathi Srinivasan, MD FACP  
Clinical Professor of Medicine  
Stanford University School of Medicine  
Palo Alto, CA 94035

Mobile: [REDACTED]

Email (personal): [REDACTED]

Email (business): [REDACTED]

September 3, 2021

Honorable Beth Labson Freeman  
U.S. District Court for Northern District of California  
San Jose Courthouse, Courtroom 3 – 5th Floor  
280 South 1st Street  
San Jose, CA 95113

Ref: The United States v. Kail, Case No. 18-cr-00172-BLF-1

Dear Judge Freeman,

I'm writing in support of Mike Kail, whom I have known for 5+ years, both as an advisor in my company, and as a friend.

As an introduction, I'm currently the CEO of Pulse Q&A, based in San Francisco. I live in San Francisco with my wife and two daughters. I have previously founded and sold multiple start-ups, one of which was a top 25 website globally. I have attended the Wharton School of Business at the University of Pennsylvania and serve dozens of startups as an advisor and an investor.

Mike and I connected through mutual friends in the context of building an IT community of peers. From the get-go, Mike was a believer in our platform and encouraged us to move forward. He offered to help grow the platform and provide his insights without ever asking for anything in return. It was only after years of helping us and providing invaluable tips for members of the community that we offered Mike an official role as an advisor with equity. He never asked for it and even when it was offered, he initially refused but we insisted because of how much time he was spending with us. This was unlike every other executive we worked with, who always looked for equity / incentives to move forward in any capacity.

As a professional, Mike is incredibly well networked and connected because he is smart, insightful, experienced, and in spite of all his accomplishments, approachable and humble. It was precisely these traits that led us and several others seeking Mike out to work with and learn from him. There are 3 specific areas that he's been very helpful with:

1. Connecting us with other IT executives to help grow the community. Examples of this include Tim Campos (former CIO at Facebook);
2. Regularly writing insights on the platform to help our community of tens of thousands of IT executives;
3. Regularly hosting intimate sessions with other members over Zoom to continue to champion the platform, our brand, and provide value to members.

On a personal front, I really appreciate Mike's warmth, his love for his family and how that bleeds over to his interactions with others, and his love for helping others, no matter the cost to him. I urge you to consider Mike being a wonderful human being, and a genuine gift to the Bay Area, and the tech ecosystem we so cherish as you consider this case.

Sincerely,

Mayank Mehta

[REDACTED]